

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

LEROY J. LEWIS

CIVIL ACTION

v.

DARBY TOWNSHIP, et al.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

August 25, 2014Jeffrey R. Lessin, EsquirePlaintiff

Date

Attorney-at-law

Attorney for

(215) 599-1400

(215) 599-0120

J.Lessin@lessinlaw.com

TelephoneFAX NumberE-Mail Address

(Civ. 660) 10/02

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

LEROY J. LEWIS and KESHATA LAWSON, h/w

**(b)** County of Residence of First Listed Plaintiff **Chester**  
(EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)

Jeffrey R. Lessin, Esquire, 1515 Market Street, Ste. 714, Phila, PA 19102  
215 599 1400

**DEFENDANTS**

DARBY TOWNSHIP, P.O. RICHARD SINSULLA, CHIEF  
LEONARD McDEVITT, PO.'s JOHN DOE 1-3

County of Residence of First Listed Defendant **Delaware**  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 USC Section 1983

Brief description of cause:  
Civil Rights

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** >100,000.00 **CHECK YES only if demanded in complaint:**  
**JURY DEMAND:** ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

8/25/2014

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.**Address of Plaintiff: 115 Brandywine Drive, Coatesville, PA 19320Address of Defendant: 2 Studevan Plaza, Sharon Hill, PA 19979Place of Accident, Incident or Transaction: 1200 block of Calcon Drive, Sharon Hill, PA  
(Use Reverse Side For Additional Space)Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒Does this case involve multidistrict litigation possibilities? No. Yes ☐ No ☐

RELATED CASE, IF ANY:

Case Number: N/A Judge  Date Terminated: 

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

## A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify)

## B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

**ARBITRATION CERTIFICATION**

(Check Appropriate Category)

I, JEFFREY R. LESSIN, counsel of record do hereby certify:

X Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.DATE: 8-25-2014Jeffrey R. Lessin, Esquire

Attorney-at-Law

43801

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8-25-2014Jeffrey R. Lessin  
Attorney-at-Law43801

Attorney I.D.#

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**LEROY J. LEWIS and KESHATA LAWSON,**  
**Husband and Wife**  
**115 Brandywine Drive**  
**Coatesville, PA 19320**

**Plaintiffs,**

**v.**

**DARBY TOWNSHIP**  
**2 Studevan Plaza**  
**Sharon Hill, PA 19079,**

**and**

**POLICE OFFICER RICHARD SINSULLA, c/o**  
**DARBY TOWNSHIP**  
**2 Studevan Plaza**  
**Sharon Hill, PA 19079,**

**and**

**POLICE CHIEF LEONARD McDEVITT, c/o**  
**DARBY TOWNSHIP**  
**2 Studevan Plaza**  
**Sharon Hill, PA 19079,**

**and**

**POLICE OFFICER JOHN DOE #1, c/o**  
**DARBY TOWNSHIP**  
**2 Studevan Plaza**  
**Sharon Hill, PA 19079,**

**and**

**POLICE OFFICER JOHN DOE #2, c/o**  
**DARBY TOWNSHIP**  
**2 Studevan Plaza**  
**Sharon Hill, PA 19079,**

**and**

**POLICE OFFICER JOHN DOE #3, c/o**  
**DARBY TOWNSHIP**  
**2 Studevan Plaza**  
**Sharon Hill, PA 19079,**

**Defendants.**

:  
:  
:  
: **CIVIL ACTION**  
: **NO.**

**COMPLAINT**

Plaintiffs, **LEROY J. LEWIS and KESHATA LAWSON, husband and wife**, by and  
through their undersigned counsel, Jeffrey R. Lessin & Associates, & P.C., file this

Complaint and sue Defendants, **DARBY TOWNSHIP**, **POLICE OFFICER RICHARD SINSULLA**, **POLICE CHIEF LEONARD McDEVITT**, **POLICE OFFICER JOHN DOE #1**, **POLICE OFFICER JOHN DOE #2**, and **POLICE OFFICER JOHN DOE #3**, individually, and in their capacities as Police Officers, and alleges as follows:

### **INTRODUCTION**

1. This is an action at law for damages sustained by citizens of the United States against individuals, police officers of **DARBY TOWNSHIP** Police Department and **DARBY TOWNSHIP** itself, respectively.

2. The bases for this action are the acts of the Defendants in using unreasonable and brutal force in arresting **Plaintiff**, **LEROY J. LEWIS** (hereinafter referenced as "**Plaintiff**").

3. By this complaint, **Plaintiff** seeks judicial redress for violation of his civil rights.

4. **Plaintiff** brings this claim pursuant to 42 U.S.C. §1983, seeking monetary relief for violation of the Fourth Amendment to the Constitution of the United States, made applicable to the states through the Fourteenth Amendment to the Constitution of the United States. **Plaintiff**, and his spouse **KESHATA LAWSON**, also seek damages under Pennsylvania tort law.

### **JURISDICTION AND VENUE**

5. The jurisdiction of this Court is invoked under 28 U.S.C. §§1331, 1343 and 1367, this being an action authorized by law to redress the deprivation under color of Pennsylvania law, statute, ordinance, regulation, custom and usage of a right, privilege and

immunity secured to **Plaintiff** by the Fourth Amendment to the Constitution of the United States, made applicable to the states through the Fourteenth Amendment to the Constitution of the United States.

6. The matter in controversy exceeds, exclusive of interest and costs, the sum or value of ten thousand dollars (\$10,000.00).

7. Venue is properly placed in the United States District Court of the Eastern District of Pennsylvania as it is where all parties reside, or have offices and business addresses, and where the illegal events complained of all occurred.

### **PARTIES**

8. **Plaintiff, LEROY J. LEWIS**, and his wife, **KESHATA LAWSON**, are adult individuals, citizens of the United States and reside in the City of Coates, in Pennsylvania. At the time of the incidents raised in this complaint, they resided at 1205 Calcon Drive, Sharon Hill, PA 19079.

9. Defendants, **POLICE OFFICER RICHARD SINSULLA**, **POLICE CHIEF LEONARD McDEVITT**, **POLICE OFFICER JOHN DOE #1**, **POLICE OFFICER JOHN DOE #2**, and **POLICE OFFICER JOHN DOE #3**, are adult individuals, duly appointed and at all times relevant hereto acting as an officer of the law in the Philadelphia County Police Department. They are being sued in their individual capacity for money damages.

10. Defendant, **DARBY TOWNSHIP** is a municipal corporation and/or political subdivision of the Commonwealth of Pennsylvania and/or a department or division thereof, and was the employer of Defendants, **POLICE OFFICER RICHARD SINSULLA**, **POLICE CHIEF LEONARD McDEVITT**, **POLICE OFFICER JOHN DOE #1**, **POLICE OFFICER**



**JOHN DOE #2**, and **POLICE OFFICER JOHN DOE #3**. All actions and/or omissions were performed by the individual police officers listed, and other police officers, were in the name of **DARBY TOWNSHIP**, and were thus under the color of state law.

11. At all times pertinent hereto, Defendants, **POLICE OFFICER RICHARD SINSULLA**, **POLICE CHIEF LEONARD McDEVITT**, **POLICE OFFICER JOHN DOE #1**, **POLICE OFFICER JOHN DOE #2**, and **POLICE OFFICER JOHN DOE #3**, each of them acting separately and in concert, through conduct sanctioned under color of state law, statute, municipal ordinances, regulations, policies, practices, customs and/or usages engaged in conduct resulting in injury and damage to **Plaintiff**, depriving him of the rights, privileges and immunities secured by the Fourth Amendment to the Constitution of the United States, made applicable to the states by the Fourteenth Amendment to the Constitution of the United States and the laws of the United States and Commonwealth of Pennsylvania.

12. **DARBY TOWNSHIP**, by and through the individual members of the **POLICE DEPARTMENT** of **DARBY TOWNSHIP**, who are its agents and employees, together with the identified individual Defendants and persons presently unknown to **Plaintiff**, acting under color of law, statute, City or township ordinance, regulations, policies, practices, customs and/or usages have subjected **Plaintiff** and other persons to a pattern of conduct consisting of intimidation, abuse, assault and battery, defamation of character and cover-up of illegal activities, resulting in the denial of the rights privileges and immunities guaranteed to **Plaintiff** and to other citizens by the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

13. This systematic pattern of conduct consisted of a large number of individual acts of violence, intimidation, abuse, assault and battery, defamation of character and cover-up of illegal activities and/or humiliation visited upon **Plaintiff** and other citizens by members of the **POLICE DEPARTMENT** of **DARBY TOWNSHIP**, acting in concert with persons unknown to **Plaintiff** under color of law, together with the acts specified in this Complaint. These acts of violence, intimidation, abuse, assault and battery, defamation of character, and cover-up of illegal activities and/or humiliation which occurred under color of law, have no justification or excuse in law and are illegal, improper and unrelated to any activity in which a police officer may appropriately and legally engage in the course of protecting persons or property or ensuring civil order.

14. Despite the fact that **DARBY TOWNSHIP** officials knew or should have known of the fact that this pattern of conduct was being carried out by their agents and/or employees, the **CITY**, through its officials, particularly the police commissioner, have taken no effort to order a halt to this course of conduct, to make redress to **Plaintiff** or other citizens injured thereby, or to take any disciplinary action whatever against any of its employees and/or agents, thus having the effect of encouraging their employees and/or agents to continue in this illegal pattern of conduct.

#### **FACTUAL ALLEGATIONS**

15. On or about Saturday, January 11, 2014, at approximately 12:00 a.m., **Plaintiff** sitting in his parked motor vehicle, listening to music, in the vicinity of the 1200 block of Calcon Drive, Sharon Hill PA, adjacent to his home.

16. As he sitting in his parked motor vehicle, **Plaintiff** was surrounded by



unidentified **DARBY TOWNSHIP** police officers, pulled from his car and handcuffed. **Plaintiff** did not run, or attempt to evade the police, but complied and did as he was directed, even though he had committed no crime.

17. The police officers who accosted and handcuffed **Plaintiff** told him that there had been shots fired in the neighborhood, and asked **Plaintiff** if he possessed a firearm.

18. **Plaintiff** told those police officers that he did possess a firearm, and that he had a valid license to carry the said firearm.

19. The firearm was not on **Plaintiff's** person, but was stored, unloaded, in his motor vehicle.

20. The police searched **Plaintiff's** motor vehicle for his firearm, but could not find it.

21. **Plaintiff** then showed the police the said firearm, and one of them actually laughed at **Plaintiff** for keeping it unloaded.

23. One of the said **DARBY TOWNSHIP** police officers commented on the firearm, indicating that he liked the firearm.

24. **Plaintiff** was not arrested, but was uncuffed and told to go inside his house, and that the police would return his firearm when they were done canvassing the neighborhood.

25. **Plaintiff** obeyed the police and went inside his house, but the police did not come back to his house to return his firearm.

26. Because the police did not return his firearm, **Plaintiff** went to the **DARBY TOWNSHIP** police station to inquire about it on Sunday, January 12, 2014.

27. When **Plaintiff** arrived at the police station on Sunday, January 12, 2014, he found that it was closed, so he called 9-1-1 to see how he could contact police.

28. Following **Plaintiff's** phone call to 9-1-1, a police officer in a marked police cruiser drove up to the police station and told by the police officer that there was nothing that could be done on Sunday, and that Plaintiff should return to the **DARBY TOWNSHIP** police station on Monday, January 13, 2014.

29. As directed, **Plaintiff** returned to the **DARBY TOWNSHIP** police station on Monday, January 13, 2014, at approximately 3:00 p.m..

30. At the **DARBY TOWNSHIP** police station, **Plaintiff** inquired about getting his firearm back.

31. At the **DARBY TOWNSHIP** police station, **Plaintiff** spoke to a police officer from the lobby through a glass and showed that officer his Pennsylvania driver's license, license to carry a firearm and two work identification cards.

32. That police officer went back into the office, came back, and said he spoke to the chief, who told the police officer was that **Plaintiff** was could not have the firearm back because it was being "investigated" due to a belief that it had been fired at some point in the past.

33. **Plaintiff** was upset at being told this, and called his wife from his cell phone, and spoke with her in the police station lobby.

34. When **Plaintiff** was insistent in his request for information about his firearm, the police chief, Defendant **POLICE CHIEF LEONARD McDEVITT** came to the window and told **Plaintiff** to "leave the fucking station".

35. When **Plaintiff** did not immediately leave the station, Defendant **POLICE OFFICER RICHARD SINSULLA** came out to the lobby of the police station, grabbed **Plaintiff** from behind and pushed him from the lobby into the interior of the police station.

36. Once in the interior of the police station, **Plaintiff** was placed in handcuffs in a hallway.

37. After being hand cuffed, **Plaintiff** was pushed into a room, where there were no video surveillance cameras, and was brutally beaten by the individual Defendants, including, but not limited to Defendants **POLICE CHIEF LEONARD McDEVITT**, **POLICE OFFICER RICHARD SINSULLA**, and at least three other officers, named here as **POLICE OFFICER JOHN DOE #1**, **POLICE OFFICER JOHN DOE #2**, and **POLICE OFFICER JOHN DOE #3**.

38. **Plaintiff** was arrested by the individual Defendants, and other police officers who remain to be identified.<sup>1</sup>

39. The officers at the scene struck **Plaintiff** about the head and body for no legitimate reason.

40. **Plaintiff** had done nothing to provoke such an attack, false arrest, and/or malicious prosecution by Defendants, nor the prosecution of false charges against him.

41. At the insistence, provision, recommendation and instigation of said Defendants, and/or other **DARBY TOWNSHIP** police officers who remain to be identified,, and as a result of their misconduct, the above-referenced Defendants did, or may have

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<sup>1</sup>Plaintiff was taken into custody and jailed on January 13, 2014, but the **DARBY TOWNSHIP** paperwork incident to the arrest and prosecution states that the arrest took place on January 14, 2014.

falsified police records and/or perjured themselves in furtherance of the scheme to violate **Plaintiff's** civil rights, and cover up their gross and egregious misconduct.

42. As a result of the aforesaid occurrence, **Plaintiff** has been compelled, in order to address his injuries, to spend sums of money.

43. As a result of the aforesaid occurrence, **Plaintiff** has been prevented from attending to his usual and daily activities and duties, including employment, and may be so prevented for an indefinite time in the future, all to his great financial detriment and loss.

44. As a result of the aforesaid occurrence, **Plaintiff** has suffered physical pain, mental anguish embarrassment, humiliation, psychological pain and damage to his personal and business reputation, and he may continue to suffer same for an indefinite period of time in the future.

**COUNT I**  
**PLAINTIFF LEROY J. LEWIS v. INDIVIDUAL DEFENDANTS**  
**FEDERAL CIVIL RIGHTS VIOLATIONS (4<sup>th</sup> AMENDMENT-**  
**UNREASONABLE USE OF FORCE)**

45. **Plaintiff** incorporates herein by reference all of the allegations contained in paragraphs 1 through 44 herein, inclusive, as fully as though the same were set forth herein at length.

46. Defendants **POLICE CHIEF LEONARD McDEVITT, POLICE OFFICER RICHARD SINSULLA, POLICE OFFICER JOHN DOE #1, POLICE OFFICER JOHN DOE #2, and POLICE OFFICER JOHN DOE #3** and/or other police officers who remain to be identified, used excessive force and unconstitutional and unreasonable force in intentionally striking **Plaintiff** in the head and body, thereby violating **Plaintiff's** rights under

the Constitution of the United States, in particular, the Fourth Amendment, as made applicable to the states under the Fourteenth Amendment.

47. Defendants **POLICE CHIEF LEONARD McDEVITT, POLICE OFFICER RICHARD SINSULLA, POLICE OFFICER JOHN DOE #1, POLICE OFFICER JOHN DOE #2, and POLICE OFFICER JOHN DOE #3**, acted in concert and conspiracy with all other Defendants in violating **Plaintiff's** constitutional rights as specified herein.

48. Defendants **POLICE CHIEF LEONARD McDEVITT, POLICE OFFICER RICHARD SINSULLA, POLICE OFFICER JOHN DOE #1, POLICE OFFICER JOHN DOE #2, and POLICE OFFICER JOHN DOE #3**, and/or other police officers who remain to be identified, acted in willful disregard for the safety of **Plaintiff** in a manner that shocks the conscience.

49. **Plaintiff** was a foreseeable Plaintiff and/or victim of said Defendant's outrageous conduct.

50. As a direct and proximate result of the aforesaid acts of Defendants **POLICE CHIEF LEONARD McDEVITT, POLICE OFFICER RICHARD SINSULLA, POLICE OFFICER JOHN DOE #1, POLICE OFFICER JOHN DOE #2, and POLICE OFFICER JOHN DOE #3**, and/or other police officers who remain to be identified, the John Does Defendants herein, committed under color of state law, **Plaintiff** suffered the harm and damage averred herein.

**WHEREFORE**, Plaintiff, **LEROY J. LEWIS**, demands compensatory damages against the individual Defendants, solely, jointly and severally, in an amount in excess of One Hundred Thousand (\$100,000.00) and further demands punitive damages against the

said Defendant, solely, jointly and/or severally, in an amount in excess of (\$100,000.00). A demand is also made for costs, expenses, reasonable attorney fees and such other relief as the Court deems just, proper and equitable. Plaintiff demands a trial by jury.

**COUNT II**  
**PLAINTIFF LEROY J. LEWIS v. DEFENDANT DARBY TOWNSHIP**  
**FEDERAL CIVIL RIGHTS VIOLATIONS ("Monell"Claim")**

51. **Plaintiff** incorporates herein by reference all of the allegations contained in paragraphs 1 through 50 herein, inclusive, as fully as though the same were set forth herein at length.

52. This cause of action is brought by **Plaintiff** against **DARBY TOWNSHIP** for deprivation by its police officers of his constitutional rights within the meaning of 42 U.S.C. §1983.

53. Defendants **POLICE CHIEF LEONARD McDEVITT, POLICE OFFICER RICHARD SINSULLA, POLICE OFFICER JOHN DOE #1, POLICE OFFICER JOHN DOE #2, and POLICE OFFICER JOHN DOE #3**, Individually, and in their capacity as a Police Officers, acting under color of law as authorized agents, servants, workmen and/or employees of **DARBY TOWNSHIP**, while in the acts aforesaid, resulted in a constitutional deprivation of **Plaintiff's** constitutional rights in violation of the Fourth Amendment of the United States Constitution, and the due process clause of the Fourteenth Amendment of the United States Constitution.

54. **DARBY TOWNSHIP** violated **Plaintiff's** due process rights by failing to train its officers, Defendants **POLICE CHIEF LEONARD McDEVITT, POLICE OFFICER RICHARD SINSULLA, POLICE OFFICER JOHN DOE #1, POLICE OFFICER JOHN DOE**

**#2**, and **POLICE OFFICER JOHN DOE #3**, and/or other police officers who remain to be identified, the John Does Defendants herein, Individually, and in their capacity as a Police Officers, in the proper methods for dealing constitutionally with alleged suspected criminal defendants and non-perpetrator citizens and for investigating, reporting and prosecuting crimes, and for filing truthful charges.

55. **DARBY TOWNSHIP**, through its policy makers, managers, agents, servants, workmen and/or employees have a history of threatening, and physically attacking innocent citizens while on duty and/or in uniform and/or wearing plain clothes, of refusing to honestly report, investigate, charge or recommend charges against agents, servants, workmen and/or employees of **DARBY TOWNSHIP**, who attack, assault, threaten, perjure, or otherwise commit crimes and/or misdemeanors against innocent citizens similarly situated as **Plaintiff** and depriving them of their constitutional rights within the meaning of 42 U.S.C. §1983.

56. The constitutional deprivation was caused by the lack of training, supervision review and discipline by **DARBY TOWNSHIP**, with regard to its officers, and police officers in general and Defendants **POLICE CHIEF LEONARD McDEVITT**, **POLICE OFFICER RICHARD SINSULLA**, **POLICE OFFICER JOHN DOE #1**, **POLICE OFFICER JOHN DOE #2**, and **POLICE OFFICER JOHN DOE #3** and/or other police officers who remain to be identified, the John Does Defendants herein, in particular, by failing in their ability to appropriately interact with citizens without causing the deprivation of constitutional rights.

57. Prior to the date of the incident involving **Plaintiff**, **DARBY TOWNSHIP** permitted, tolerated and overlooked, ratified and/or approved the constitutional violations



of citizens by officers of its police department, particularly, but not limited to, Defendants **POLICE CHIEF LEONARD McDEVITT, POLICE OFFICER RICHARD SINSULLA, POLICE OFFICER JOHN DOE #1, POLICE OFFICER JOHN DOE #2, and POLICE OFFICER JOHN DOE #3** and/or other police officers who remain to be identified, the John Does Defendants herein, and other officers similarly situated, who were not properly trained and supervised to appropriately interact with citizens without causing the deprivation of constitutional rights.

58. **DARBY TOWNSHIP** is responsible for the promulgation, adoption, and implementation of official policies for its officers and police officers in general and Defendants **POLICE CHIEF LEONARD McDEVITT, POLICE OFFICER RICHARD SINSULLA, POLICE OFFICER JOHN DOE #1, POLICE OFFICER JOHN DOE #2, and POLICE OFFICER JOHN DOE #3** and/or other police officers who remain to be identified, the John Does Defendants herein, in particular, to appropriately interact with citizens without causing the deprivation of constitutional rights.

59. As a direct and proximate result of the above-mentioned unconstitutional acts of **DARBY TOWNSHIP**, acting through its policy-making agents, servants, workmen and/or employees, Defendants **POLICE CHIEF LEONARD McDEVITT, POLICE OFFICER RICHARD SINSULLA, POLICE OFFICER JOHN DOE #1, POLICE OFFICER JOHN DOE #2, and POLICE OFFICER JOHN DOE #3** and/or other police officers who remain to be identified, the John Does Defendants herein, **Plaintiff** has sustained compensable damages and severe physical and mental injuries, financial damages and deprivation of civil rights as indicated herein.

60. Defendant **DARBY TOWNSHIP** has encouraged, tolerated, ratified, and has been deliberately indifferent to the following patterns, practices and customs, and for the need for more or different training, supervision, investigation or discipline in the following areas of:

- a. unlawful, unreasonable and excessive use of force by its police officers;
- b. the improper exercise of police powers, including, but not limited to the unreasonable use of force, the excessive use of force, the need to present non-perjured testimony in a criminal prosecution, and violation of citizens' civil rights;
- c. the monitoring of officers, including, but not limited to officers it knew or should have known may have been suffering from emotional or psychological problems that impaired their ability to function as officers;
- d. the failure to identify and take remedial or disciplinary action against police officers who were the subject of prior civilian or internal complaints of misconduct;
- e. police officers' use of their status as police officers to employ the use of excessive force to achieve ends not reasonably related to their police duties;
- f. the failure of police officers to follow established policies, procedures, directives and instructions regarding the use of force under such circumstances as presented herein.

**WHEREFORE, PLAINTIFF LEROY J. LEWIS** demands compensatory damages against the Defendant **CITY**, solely, jointly and/or severally, in an amount in excess of One Hundred Thousand (\$100,000.00). A demand is also made for costs, expenses, reasonable attorney fees and such other relief as the Court deems just, proper and equitable. **Plaintiff** demands a trial by jury.

**COUNT III**  
**PLAINTIFF LEROY J. LEWIS v. INDIVIDUAL POLICE DEFENDANTS**  
**SUPPLEMENTAL STATE CLAIMS**

61. **Plaintiff** incorporates herein by reference all of the allegations contained in paragraphs 1 through 60, inclusive, as fully as though the same were set forth herein at length.

62. The acts and conduct of the Defendants **POLICE CHIEF LEONARD McDEVITT, POLICE OFFICER RICHARD SINSULLA, POLICE OFFICER JOHN DOE #1, POLICE OFFICER JOHN DOE #2, and POLICE OFFICER JOHN DOE #3** and/or other police officers who remain to be identified, the John Does Defendants herein, this case constitute assault, battery, and intentional infliction of emotional distress under the laws of the Commonwealth of Pennsylvania, along with further acting in concert and conspiracy to commit and/or cover up said acts, and this Honorable Court has supplemental jurisdiction to hear and adjudicate these claims.

**WHEREFORE**, Plaintiff, **LEROY J. LEWIS**, demands compensatory damages against the individual Defendants, solely, jointly and severally, in an amount in excess of One Hundred Thousand (\$100,000.00) and further demands punitive damages against the said Defendant, solely, jointly and/or severally, in an amount in excess of (\$100,000.00).

A demand is also made for costs, expenses, reasonable attorney fees and such other relief as the Court deems just, proper and equitable. Plaintiff demands a trial by jury.

**COUNT IV**  
**PLAINTIFF KESHATA LAWSON v. INDIVIDUAL POLICE DEFENDANTS**  
**SUPPLEMENTAL STATE CLAIMS**

63. Plaintiff **KESHATA LAWSON** incorporates herein by reference all of the allegations contained in paragraphs 1 through 62, inclusive, as fully as though the same were set forth herein at length.

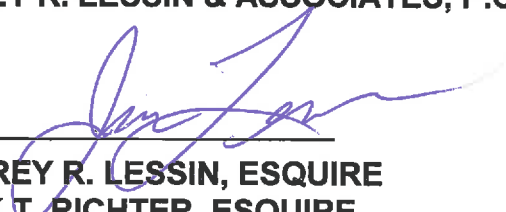
66. As a result of the injuries suffered by her husband, Plaintiff **KESHATA LAWSON** has suffered and will in the future suffer the loss of usual services and consortium of her husband, and has been and will be required to provide special services and care for him.

**WHEREFORE, Plaintiff KESHATA LAWSON,** demands judgment against Defendants, solely, jointly, and/or severally, in an amount not in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS plus costs

Respectfully Submitted,

**JEFFREY R. LESSIN & ASSOCIATES, P.C.**

BY: \_\_\_\_\_

  
**JEFFREY R. LESSIN, ESQUIRE**  
**MARK T. RICHTER, ESQUIRE**  
**I.D. Nos. 43801 and 45195**  
**Attorneys for Plaintiffs**

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